IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 26TH DECEMBER 2006 / 5TH POUSHA 1928

Bail Appl..No. 7240 of 2006()

CMP.2958/2006 of J.M.F.C., MANNARKAD
CRIME NO.797/06 OF MANNARKKAD POLICE STATION.

.....

PETITIONER/ACCUSED NO.1

AFSAL @ MUHAMMED AFSAL,
S/O.SAIDU MUHAMMED, KULAKKADAN HOUSE,
KUNTHIPPUZHA, MANNARKKAD, PALAKKAD.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENT: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
MANNARKKAD POLICE STATION, PALAKKAD REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

BAIL APPLICATION NO. 7240 OF 2006

- - - - - - - - - ---------- - - - - -

DATED THIS THE 26TH DAY OF DECEMBER, 2006

O R D E R

Petitioner who is the first accused in Crime No.797/06 of Mannrakkad Police Station for offences punishable under sections 143, 147, 307 and 352 read with section 149 IPC, seeks his enlargement on bail. The occurrence took place on 24.10.2006 and the petitioner was arrested on the same day.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is an accused in 11 other criminal cases including murder case. But he fairly conceded that no final report has been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to section 167(2) Cr.P.C., the petitioner is entitled to bail as of right. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-I, Mannarkkad and subject to the following conditions:

1. The petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Police, till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn